

AMENDED IN SENATE AUGUST 16, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2524**

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**Introduced by Assembly Member Irwin**  
**(Coauthors: Assembly Members Low, Obernolte, and Rodriguez)**

February 19, 2016

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An act to amend Section 21627 of the Business and Professions Code, to amend Section 12525.2 of the Government Code, and to amend Sections 13010, 13010.5, 13012, 13012.6, 13013, 13014, 13023, and 13519.4 of the Penal Code, relating to criminal justice.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2524, as amended, Irwin. OpenJustice Data Act of 2016.

Existing law requires the Department of Justice to collect certain criminal justice data from specified persons and agencies, and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year, in addition to other reports, as specified. Existing law requires the department to prepare and distribute to all those persons and agencies cards, forms, or electronic means used in reporting data to the department.

This bill would instead require the department to make available to the public information relating to criminal statistics through the department's OpenJustice Web portal, to be updated at least once per ~~quarter, year,~~ without requiring an increase in the frequency of reporting by local agencies. The bill would require the ~~department, on or before January 1, 2021, to transition all of California's crime data from~~

~~summary crime reporting to incident-based crime reporting, through electronic means, in alignment with the federal National Incident-Based Reporting System, as specified, and to report annually through 2019 to the Legislature on the probability of meeting this implementation deadline. This bill would require local and state crime reporting agencies, commencing January 1, 2021, to submit crime data only through electronic means. The bill would require the department to ensure, on or before January 1, 2022, that its statistical systems are electronic, as specified: department to evaluate, on an annual basis, the progress of the transition from summary crime reporting to incident-based crime reporting and to report its findings to the Legislature annually through 2019.~~ The bill would also provide legislative findings and declarations relating to the OpenJustice Web portal.

This bill would make conforming changes to related ~~provisions~~, *provisions* concerning the interpretation and distribution of the criminal statistics, the maintenance of a specified data set, reports issued by the Racial and Identity Profiling Advisory Board, and information about homicide, hate crimes, identity theft, stolen goods, and the juvenile justice system. The bill would also make technical, nonsubstantive changes to these provisions.

~~By requiring local agencies to use electronic means to submit specified information to the department, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~*no*.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 OpenJustice Data Act of 2016.
- 3 SEC. 2. The Legislature finds and declares all of the following:

1 (a) The advent of new technology and the growth of data  
2 analytics have dramatically enhanced both the value and the  
3 accessibility of information, providing new opportunities for the  
4 public to engage with the government and benefit from information  
5 possessed by the state.

6 (b) The rise in digitization of information has significantly  
7 increased the speed of communication while specifically improving  
8 the efficiency at which documents may be shared across public  
9 agencies.

10 (c) The Department of Justice has traditionally maintained a  
11 centralized data repository for public safety information collected  
12 at the local level and submitted to the department for purposes of  
13 aggregation, analysis, and dissemination through an annual report,  
14 which is currently distributed as either a paper or static electronic  
15 annual report—~~entitled~~ *titled* Crime in California, as well as  
16 additional specialized crime reports.

17 (d) In 2015, the Attorney General announced the launch of  
18 OpenJustice, a criminal justice Web portal that features both an  
19 interactive dashboard that provides data visualization with  
20 accompanying analysis and an open data portal that publishes raw  
21 data.

22 (e) Reinventing the department's crime reports as an Internet  
23 Web site within the OpenJustice Web portal will enable the public  
24 to receive dynamic, customized information that will significantly  
25 strengthen trust, enhance government accountability, and support  
26 real-time public policy decisionmaking.

27 (f) Despite the many advantages of electronic data collection,  
28 only approximately 40 percent of local law enforcement agencies  
29 currently submit required data sets through electronic means,  
30 impeding the ability of the state to implement a uniform reporting  
31 structure through which information is made available to the public  
32 more frequently and more effectively.

33 (g) There are significant public benefits in modernizing how  
34 public agencies engage with data and in encouraging the adoption  
35 of contemporary electronic technologies to reduce the inefficiencies  
36 and environmental impacts of paper recordkeeping.

37 (h) The Department of Justice is working with the Federal  
38 Bureau of Investigation and the federal Bureau of Justice Statistics  
39 to transition California from summary crime reporting to

1 incident-based crime reporting. ~~This transition would require the~~  
2 ~~electronic submission of all reported statistical data.~~

3 ~~(i) It is the intent of the Legislature that this transition be~~  
4 ~~completed on or before January 1, 2021, at which time all local~~  
5 ~~and state crime reporting agencies shall submit crime data only~~  
6 ~~through electronic means.~~

7 ~~(j) On or before January 1, 2022, the statistical systems of the~~  
8 ~~Department of Justice shall be electronic, allowing for criminal~~  
9 ~~justice statistical data to be updated more frequently than annually~~  
10 ~~on the OpenJustice Web portal.~~

11 *(i) It is the intent of the Legislature that following full*  
12 *implementation of incident-based crime reporting, the Department*  
13 *of Justice work to transition to exclusively electronic crime data*  
14 *collection and evaluate the potential for criminal justice statistical*  
15 *data to be updated on the OpenJustice Web portal at a frequency*  
16 *greater than once per year.*

17 SEC. 3. Section 21627 of the Business and Professions Code  
18 is amended to read:

19 21627. (a) As used in this article, “tangible personal property”  
20 means all secondhand tangible personal property that bears a serial  
21 number or personalized initials or inscription or that, at the time  
22 it is acquired by the secondhand dealer, bears evidence of having  
23 had a serial number or personalized initials or inscription.

24 (b) “Tangible personal property” also means the following:

25 (1) All tangible personal property, new or used, including motor  
26 vehicles, received in pledge as security for a loan by a pawnbroker.

27 (2) All tangible personal property that bears a serial number or  
28 personalized initials or inscription and that is purchased by a  
29 secondhand dealer or a pawnbroker or that, at the time of the  
30 purchase, bears evidence of having had a serial number or  
31 personalized initials or inscription.

32 (3) All tangible personal property that the Attorney General  
33 statistically determines through the most recent Department of  
34 Justice crime data, updated pursuant to Section 13010 of the Penal  
35 Code, to constitute a significant class of stolen goods. A list of  
36 that personal property shall be supplied by the Attorney General  
37 to all local law enforcement agencies and posted on the Attorney  
38 General’s Internet Web site. That list shall be updated annually  
39 by the Attorney General, beginning January 1, 2016, to ensure that  
40 it addresses current problems with stolen goods.

1 (c) As used in this article, “tangible personal property” does not  
2 include any new goods or merchandise purchased from a bona fide  
3 manufacturer or distributor or wholesaler of the new goods or  
4 merchandise by a secondhand dealer. For the purposes of this  
5 article, however, a secondhand dealer shall retain for one year  
6 from the date of purchase, and shall make available for inspection  
7 by any law enforcement officer, any receipt, invoice, bill of sale,  
8 or other evidence of purchase of the new goods or merchandise.

9 (d) As used in this article, “tangible personal property” does  
10 not include coins, monetized bullion, or commercial grade ingots  
11 of gold, silver, or other precious metals. “Commercial grade ingots”  
12 means 0.99 fine or finer ingots of gold, silver, palladium, or  
13 platinum, or 0.925 fine sterling silver art bars and medallions,  
14 provided that the ingots, art bars, and medallions are marked by  
15 the refiner or fabricator as to their assay fineness.

16 (e) For purposes of this article, a “significant class of stolen  
17 goods” means those items determined through the Department of  
18 Justice’s most recent OpenJustice Web portal update to constitute  
19 more than 10 percent of property reported stolen in the calendar  
20 year preceding the annual posting of the list of significant classes  
21 of stolen goods.

22 SEC. 4. Section 12525.2 of the Government Code is amended  
23 to read:

24 12525.2. (a) Beginning January 1, 2017, each law enforcement  
25 agency shall annually furnish to the Department of Justice, in a  
26 manner defined and prescribed by the Attorney General, a report  
27 of all instances when a peace officer employed by that agency is  
28 involved in any of the following:

29 (1) An incident involving the shooting of a civilian by a peace  
30 officer.

31 (2) An incident involving the shooting of a peace officer by a  
32 civilian.

33 (3) An incident in which the use of force by a peace officer  
34 against a civilian results in serious bodily injury or death.

35 (4) An incident in which use of force by a civilian against a  
36 peace officer results in serious bodily injury or death.

37 (b) For each incident reported under subdivision (a), the  
38 information reported to the Department of Justice shall include,  
39 but not be limited to, all of the following:

1 (1) The gender, race, and age of each individual who was shot,  
2 injured, or killed.

3 (2) The date, time, and location of the incident.

4 (3) Whether the civilian was armed, and, if so, the type of  
5 weapon.

6 (4) The type of force used against the officer, the civilian, or  
7 both, including the types of weapons used.

8 (5) The number of officers involved in the incident.

9 (6) The number of civilians involved in the incident.

10 (7) A brief description regarding the circumstances surrounding  
11 the incident, which may include the nature of injuries to officers  
12 and civilians and perceptions on behavior or mental disorders.

13 (c) Each year, the Department of Justice shall include a summary  
14 of information contained in the reports received pursuant to  
15 subdivision (a) through the department's OpenJustice Web portal  
16 pursuant to Section 13010 of the Penal Code. This information  
17 shall be classified according to the reporting law enforcement  
18 jurisdiction. In cases involving a peace officer who is injured or  
19 killed, the report shall list the officer's employing jurisdiction and  
20 the jurisdiction where the injury or death occurred, if they are not  
21 the same. This subdivision does not authorize the release to the  
22 public of the badge number or other unique identifying information  
23 of the peace officer involved.

24 (d) For purposes of this section, "serious bodily injury" means  
25 a bodily injury that involves a substantial risk of death,  
26 unconsciousness, protracted and obvious disfigurement, or  
27 protracted loss or impairment of the function of a bodily member  
28 or organ.

29 SEC. 5. Section 13010 of the Penal Code is amended to read:  
30 13010. It shall be the duty of the department:

31 (a) To collect data necessary for the work of the department  
32 from all persons and agencies mentioned in Section 13020 and  
33 from any other appropriate source.

34 (b) To prepare and distribute to all those persons and agencies  
35 cards, forms, or electronic means used in reporting data to the  
36 department. The cards, forms, or electronic means may, in addition  
37 to other items, include items of information needed by federal  
38 bureaus or departments engaged in the development of national  
39 and uniform criminal statistics.

1 (c) To recommend the form and content of records that must  
2 be kept by those persons and agencies in order to ensure the correct  
3 reporting of data to the department.

4 (d) To instruct those persons and agencies in the installation,  
5 maintenance, and use of those records and in the reporting of data  
6 therefrom to the department.

7 (e) To process, tabulate, analyze, and interpret the data collected  
8 from those persons and agencies.

9 (f) To supply, at their request, to federal bureaus or departments  
10 engaged in the collection of national criminal statistics data they  
11 need from this state.

12 (g) To make available to the public, through the department's  
13 OpenJustice Web portal, information relating to criminal statistics,  
14 to be updated at least once per ~~quarter~~, *year*, and to present at other  
15 times as the Attorney General may approve reports on special  
16 aspects of criminal statistics. A sufficient number of copies of a  
17 downloadable summary of this information shall be annually  
18 prepared to enable the Attorney General to send a copy to the  
19 Governor and to all public officials in the state dealing with  
20 criminals and to distribute them generally in channels where they  
21 will add to the public enlightenment. This subdivision shall not  
22 be construed to require more frequent reporting by local agencies  
23 than what is required by any other law.

24 (h) To periodically review the requirements of units of  
25 government using criminal justice statistics, and to make  
26 recommendations for changes it deems necessary in the design of  
27 criminal justice statistics systems, including new techniques of  
28 collection and processing made possible by automation.

29 ~~(i) On or before January 1, 2021, to transition all of California's~~  
30 ~~crime data from summary crime reporting to incident-based crime~~  
31 ~~reporting, through electronic means, in alignment with the federal~~  
32 ~~National Incident-Based Reporting System.~~

33 ~~(1) The department shall evaluate, on an annual basis, the~~  
34 ~~probability of meeting the January 1, 2021, implementation~~  
35 ~~deadline and report its findings to the Legislature annually through~~  
36 ~~2019 pursuant to Section 9795 of the Government Code.~~

37 ~~(2) Local and state agencies that are unable to meet this~~  
38 ~~implementation deadline and that have committed to transitioning~~  
39 ~~to incident-based crime reporting shall collaborate with the~~

1 ~~department to develop a transition plan with a timeline for the~~  
2 ~~transition.~~

3 ~~(j) Commencing January 1, 2021, to accept the collection of~~  
4 ~~crime data from local and state crime reporting agencies only~~  
5 ~~through electronic means. Commencing January 1, 2021, these~~  
6 ~~agencies shall submit crime data to the department only through~~  
7 ~~electronic means.~~

8 ~~(k) On or before January 1, 2022, to ensure that the statistical~~  
9 ~~systems of the department are electronic, allowing for criminal~~  
10 ~~justice statistical data to be updated more frequently than annually~~  
11 ~~on the OpenJustice Web portal.~~

12 ~~(i) To evaluate, on an annual basis, the progress of California's~~  
13 ~~transition from summary crime reporting to incident-based crime~~  
14 ~~reporting, in alignment with the federal National Incident-Based~~  
15 ~~Reporting System, and report its findings to the Legislature~~  
16 ~~annually through 2019, pursuant to Section 9795 of the~~  
17 ~~Government Code.~~

18 SEC. 6. Section 13010.5 of the Penal Code is amended to read:

19 13010.5. (a) The department shall collect data pertaining to  
20 the juvenile justice system for criminal history and statistical  
21 purposes. This information shall serve to assist the department,  
22 through its bureau whose mission is to protect the rights of children,  
23 in complying with the reporting requirement of paragraphs (3) and  
24 (4) of subdivision (a) of Section 13012, measuring the extent of  
25 juvenile delinquency, determining the need for, and effectiveness  
26 of, relevant legislation, and identifying long-term trends in juvenile  
27 delinquency. Any data collected pursuant to this section may  
28 include criminal history information that may be used by the  
29 department to comply with the requirements of Section 602.5 of  
30 the Welfare and Institutions Code.

31 (b) Statistical data collected pursuant to this section shall be  
32 made available to the public through the OpenJustice Web portal.  
33 The department may make available data collected pursuant to  
34 this section in the same manner as data collected pursuant to  
35 Section 13202.

36 SEC. 7. Section 13012 of the Penal Code is amended to read:

37 13012. (a) The information published on the OpenJustice Web  
38 portal pursuant to Section 13010 shall contain statistics showing  
39 all of the following:



1 (1) The amount and the types of offenses known to the public  
2 authorities.

3 (2) The personal and social characteristics of criminals and  
4 delinquents.

5 (3) The administrative actions taken by law enforcement,  
6 ~~prosecutorial~~, judicial, penal, and correctional agencies or  
7 institutions, including those in the juvenile justice system, in  
8 dealing with criminals or delinquents.

9 (4) The administrative actions taken by law enforcement,  
10 prosecutorial, judicial, penal, and correctional agencies or  
11 institutions, including those in the juvenile justice system, in  
12 dealing with minors who are the subject of a petition or hearing  
13 in the juvenile court to transfer their case to the jurisdiction of an  
14 adult criminal court or whose cases are directly filed or otherwise  
15 initiated in an adult criminal court.

16 (5) (A) The total number of each of the following:

17 (i) Citizen complaints received by law enforcement agencies  
18 under Section 832.5.

19 (ii) Citizen complaints alleging criminal conduct of either a  
20 felony or a misdemeanor.

21 (iii) Citizen complaints alleging racial or identity profiling, as  
22 defined in subdivision (e) of Section 13519.4. These statistics shall  
23 be disaggregated by the specific type of racial or identity profiling  
24 alleged, such as based on a consideration of race, color, ethnicity,  
25 national origin, religion, gender identity or expression, sexual  
26 orientation, or mental or physical disability.

27 (B) The statistics reported under this paragraph shall provide,  
28 for each category of complaint identified under subparagraph (A),  
29 the number of complaints within each of the following disposition  
30 categories:

31 (i) “Sustained,” which means that the investigation disclosed  
32 sufficient evidence to prove the truth of allegation in the complaint  
33 by preponderance of evidence.

34 (ii) “Exonerated,” which means that the investigation clearly  
35 established that the actions of the personnel that formed the basis  
36 of the complaint are not a violation of law or agency policy.

37 (iii) “Not sustained,” which means that the investigation failed  
38 to disclose sufficient evidence to clearly prove or disprove the  
39 allegation in the complaint.

1 (iv) “Unfounded,” which means that the investigation clearly  
2 established that the allegation is not true.

3 (C) The reports under subparagraphs (A) and (B) shall be made  
4 available to the public and disaggregated for each individual law  
5 enforcement agency.

6 (b) It shall be the duty of the department to ~~use the latest~~  
7 ~~advances in data science to~~ give adequate interpretation of the  
8 statistics and so to present the information that it may be of value  
9 in guiding the policies of the Legislature and of those in charge of  
10 the apprehension, prosecution, and treatment of the criminals and  
11 delinquents, or concerned with the prevention of crime and  
12 delinquency. This interpretation shall be presented in clear and  
13 informative formats on the OpenJustice Web portal. The Web  
14 portal shall also include statistics that are comparable with national  
15 uniform criminal statistics published by federal bureaus or  
16 departments heretofore mentioned.

17 (c) Each year, on an annual basis, the Racial and Identity  
18 Profiling Advisory Board (RIPA), established pursuant to  
19 paragraph (1) of subdivision (j) of Section 13519.4, shall analyze  
20 the statistics reported pursuant to subparagraphs (A) and (B) of  
21 paragraph (5) of subdivision (a) of this section. RIPA’s analysis  
22 of the complaints shall be incorporated into its annual report as  
23 required by paragraph (3) of subdivision (j) of Section 13519.4  
24 and shall be published on the OpenJustice Web portal. The reports  
25 shall not disclose the identity of peace officers.

26 SEC. 8. Section 13012.6 of the Penal Code is amended to read:  
27 13012.6. The data published by the department on the  
28 OpenJustice Web portal ~~under pursuant to~~ Section 13010 shall  
29 include information concerning arrests for violations of Section  
30 530.5.

31 SEC. 9. Section 13013 of the Penal Code is amended to read:  
32 13013. The department shall maintain a data set, updated  
33 ~~quarterly~~, *annually*, that contains the number of crimes reported,  
34 number of clearances, and clearance rates in California as reported  
35 by individual law enforcement agencies. The data set shall be made  
36 available through the OpenJustice Web portal. This section shall  
37 not be construed to require reporting any crimes other than those  
38 required by Section 13012.

39 SEC. 10. Section 13014 of the Penal Code is amended to read:

1 13014. (a) The Department of Justice shall perform the  
2 following duties concerning the investigation and prosecution of  
3 homicide cases:

4 (1) Collect information, as specified in subdivision (b), on all  
5 persons who are the victims of, and all persons who are charged  
6 with, homicide.

7 (2) Adopt and ~~distribute~~ *distribute, as a written form or by*  
8 ~~electronic means means~~, to all state and governmental entities that  
9 are responsible for the investigation and prosecution of homicide  
10 ~~cases cases~~, forms that will include information to be provided to  
11 the department pursuant to subdivision (b).

12 (3) Compile, collate, index, and maintain an electronic file of  
13 the information required by subdivision (b). The file shall be  
14 available to the general public during the normal business hours  
15 of the department, as well as on the OpenJustice Web portal, and  
16 the department shall ~~quarterly~~ *at least annually* update the  
17 information required by this section, which shall also be available  
18 to the general public.

19 The department shall perform the duties specified in this  
20 subdivision within its existing budget.

21 (b) Every state or local governmental entity responsible for the  
22 investigation and prosecution of a homicide case shall provide the  
23 department with demographic information about the victim and  
24 the person or persons charged with the crime, including age,  
25 gender, race, and ethnic background.

26 SEC. 11. Section 13023 of the Penal Code is amended to read:

27 13023. (a) Subject to the availability of adequate funding, the  
28 Attorney General shall direct local law enforcement agencies to  
29 report to the Department of Justice, in a manner to be prescribed  
30 by the Attorney General, any information that may be required  
31 relative to hate crimes. This information may include any general  
32 orders or formal policies on hate crimes and the hate crime  
33 pamphlet required pursuant to Section 422.92.

34 (b) ~~On a quarterly basis, or before July 1 of each year, the~~  
35 Department of Justice shall update the OpenJustice Web portal  
36 with the information obtained from local law enforcement agencies  
37 pursuant to this section. The department shall submit its analysis  
38 of this information to the Legislature in the manner described in  
39 subdivision (g) of Section 13010.

1 (c) For purposes of this section, “hate crime” has the same  
2 meaning as in Section 422.55.

3 SEC. 12. Section 13519.4 of the Penal Code is amended to  
4 read:

5 13519.4. (a) The commission shall develop and disseminate  
6 guidelines and training for all peace officers in California as  
7 described in subdivision (a) of Section 13510 and who adhere to  
8 the standards approved by the commission, on the racial and  
9 cultural differences among the residents of this state. The course  
10 or courses of instruction and the guidelines shall stress  
11 understanding and respect for racial, identity, and cultural  
12 differences, and development of effective, noncombative methods  
13 of carrying out law enforcement duties in a diverse racial, identity,  
14 and cultural environment.

15 (b) The course of basic training for peace officers shall include  
16 adequate instruction on racial, identity, and cultural diversity in  
17 order to foster mutual respect and cooperation between law  
18 enforcement and members of all racial, identity, and cultural  
19 groups. In developing the training, the commission shall consult  
20 with appropriate groups and individuals having an interest and  
21 expertise in the field of racial, identity, and cultural awareness and  
22 diversity.

23 (c) For the purposes of this section the following shall apply:

24 (1) “Disability,” “gender,” “nationality,” “religion,” and “sexual  
25 orientation” have the same meaning as in Section 422.55.

26 (2) “Culturally diverse” and “cultural diversity” include, but  
27 are not limited to, disability, gender, nationality, religion, and  
28 sexual orientation issues.

29 (3) “Racial” has the same meaning as “race or ethnicity” in  
30 Section 422.55.

31 (4) “Stop” has the same meaning as in paragraph (2) of  
32 subdivision (g) of Section 12525.5 of the Government Code.

33 (d) The Legislature finds and declares as follows:

34 (1) The working men and women in California law enforcement  
35 risk their lives every day. The people of California greatly  
36 appreciate the hard work and dedication of peace officers in  
37 protecting public safety. The good name of these officers should  
38 not be tarnished by the actions of those few who commit  
39 discriminatory practices.

1 (2) Racial or identity profiling is a practice that presents a great  
2 danger to the fundamental principles of our Constitution and a  
3 democratic society. It is abhorrent and cannot be tolerated.

4 (3) Racial or identity profiling alienates people from law  
5 enforcement, hinders community policing efforts, and causes law  
6 enforcement to lose credibility and trust among the people whom  
7 law enforcement is sworn to protect and serve.

8 (4) Pedestrians, users of public transportation, and vehicular  
9 occupants who have been stopped, searched, interrogated, and  
10 subjected to a property seizure by a peace officer for no reason  
11 other than the color of their skin, national origin, religion, gender  
12 identity or expression, housing status, sexual orientation, or mental  
13 or physical disability are the victims of discriminatory practices.

14 (5) It is the intent of the Legislature in enacting the changes to  
15 this section made by the act that added this paragraph that  
16 additional training is required to address the pernicious practice  
17 of racial or identity profiling and that enactment of this section is  
18 in no way dispositive of the issue of how the state should deal with  
19 racial or identity profiling.

20 (e) “Racial or identity profiling,” for purposes of this section,  
21 is the consideration of, or reliance on, to any degree, actual or  
22 perceived race, color, ethnicity, national origin, age, religion,  
23 gender identity or expression, sexual orientation, or mental or  
24 physical disability in deciding which persons to subject to a stop  
25 or in deciding upon the scope or substance of law enforcement  
26 activities following a stop, except that an officer may consider or  
27 rely on characteristics listed in a specific suspect description. The  
28 activities include, but are not limited to, traffic or pedestrian stops,  
29 or actions during a stop, such as asking questions, frisks,  
30 consensual and nonconsensual searches of a person or any property,  
31 seizing any property, removing vehicle occupants during a traffic  
32 stop, issuing a citation, and making an arrest.

33 (f) A peace officer shall not engage in racial or identity profiling.

34 (g) Every peace officer in this state shall participate in expanded  
35 training as prescribed and certified by the Commission on Peace  
36 Officers Standards and Training.

37 (h) The curriculum shall be evidence-based and shall include  
38 and examine evidence-based patterns, practices, and protocols that  
39 make up racial or identity profiling, including implicit bias. This  
40 training shall prescribe evidence-based patterns, practices, and

1 protocols that prevent racial or identity profiling. In developing  
2 the training, the commission shall consult with the Racial and  
3 Identity Profiling Advisory Board established pursuant to  
4 subdivision (j). The course of instruction shall include, but not be  
5 limited to, significant consideration of each of the following  
6 subjects:

7 (1) Identification of key indices and perspectives that make up  
8 racial, identity, and cultural differences among residents in a local  
9 community.

10 (2) Negative impact of intentional and implicit biases,  
11 prejudices, and stereotyping on effective law enforcement,  
12 including examination of how historical perceptions of  
13 discriminatory enforcement practices have harmed  
14 police-community relations and contributed to injury, death,  
15 disparities in arrest detention and incarceration rights, and wrongful  
16 convictions.

17 (3) The history and role of the civil and human rights movement  
18 and struggles and their impact on law enforcement.

19 (4) Specific obligations of peace officers in preventing,  
20 reporting, and responding to discriminatory or biased practices by  
21 fellow peace officers.

22 (5) Perspectives of diverse, local constituency groups and  
23 experts on particular racial, identity, and cultural and  
24 police-community relations issues in a local area.

25 (6) The prohibition against racial or identity profiling in  
26 subdivision (f).

27 (i) Once the initial basic training is completed, each peace officer  
28 in California as described in subdivision (a) of Section 13510 who  
29 adheres to the standards approved by the commission shall be  
30 required to complete a refresher course every five years thereafter,  
31 or on a more frequent basis if deemed necessary, in order to keep  
32 current with changing racial, identity, and cultural trends.

33 (j) (1) Beginning July 1, 2016, the Attorney General shall  
34 establish the Racial and Identity Profiling Advisory Board (RIPA)  
35 for the purpose of eliminating racial and identity profiling, and  
36 improving diversity and racial and identity sensitivity in law  
37 enforcement.

38 (2) RIPA shall include the following members:

39 (A) The Attorney General, or his or her designee.

1 (B) The President of the California Public Defenders  
2 Association, or his or her designee.

3 (C) The President of the California Police Chiefs Association,  
4 or his or her designee.

5 (D) The President of the California State Sheriffs' Association,  
6 or his or her designee.

7 (E) The President of the Peace Officers Research Association  
8 of California, or his or her designee.

9 (F) The Commissioner of the California Highway Patrol, or his  
10 or her designee.

11 (G) A university professor who specializes in policing, and  
12 racial and identity equity.

13 (H) Two representatives of human or civil rights tax-exempt  
14 organizations who specialize in civil or human rights.

15 (I) Two representatives of community organizations who  
16 specialize in civil or human rights and criminal justice, and work  
17 with victims of racial and identity profiling. At least one  
18 representative shall be between 16 and 24 years of age.

19 (J) Two religious clergy members who specialize in addressing  
20 and reducing racial and identity bias toward individuals and groups.

21 (K) Up to two other members that the Governor may prescribe.

22 (L) Up to two other members that the President pro Tempore  
23 of the Senate may prescribe.

24 (M) Up to two other members that the Speaker of the Assembly  
25 may prescribe.

26 (3) Each year, on an annual basis, RIPA shall do the following:

27 (A) Analyze the data reported pursuant to Section 12525.5 of  
28 the Government Code and Section 13012 of this code.

29 (B) Analyze law enforcement training under this section.

30 (C) Work in partnership with state and local law enforcement  
31 agencies to review and analyze racial and identity profiling policies  
32 and practices across geographic areas in California.

33 (D) Conduct, and consult available, evidence-based research  
34 on intentional and implicit biases, and law enforcement stop,  
35 search, and seizure tactics.

36 (E) Issue a report that provides RIPA's analysis under  
37 subparagraphs (A) to (D), inclusive, and detailed findings on the  
38 past and current status of racial and identity profiling, and makes  
39 policy recommendations for eliminating racial and identity  
40 profiling. RIPA shall post the report on its Internet Web site. Each

1 report shall include disaggregated statistical data for each reporting  
2 law enforcement agency. The report shall include, at minimum,  
3 each reporting law enforcement agency's total results for each data  
4 collection criterion under subdivision (b) of Section 12525.5 of  
5 the Government Code for each calendar year. The reports shall be  
6 retained and made available to the public by posting those reports  
7 on the Department of Justice's OpenJustice Web portal. The first  
8 annual report shall be issued no later than January 1, 2018. The  
9 reports are public records within the meaning of subdivision (d)  
10 of Section 6252 of the Government Code and are open to public  
11 inspection pursuant to Sections 6253, 6256, 6257, and 6258 of the  
12 Government Code.

13 (F) Hold at least three public meetings annually to discuss racial  
14 and identity profiling, and potential reforms to prevent racial and  
15 identity profiling. Each year, one meeting shall be held in northern  
16 California, one in central California, and one in southern California.  
17 RIPA shall provide the public with notice of at least 60 days before  
18 each meeting.

19 (4) Pursuant to subdivision (e) of Section 12525.5 of the  
20 Government Code, RIPA shall advise the Attorney General in  
21 developing regulations for the collection and reporting of stop  
22 data, and ensuring uniform reporting practices across all reporting  
23 agencies.

24 (5) Members of RIPA shall not receive compensation, nor per  
25 diem expenses, for their services as members of RIPA.

26 (6) No action of RIPA shall be valid unless agreed to by a  
27 majority of its members.

28 (7) The initial terms of RIPA members shall be four years.

29 (8) Each year, RIPA shall elect two of its members as  
30 cochairpersons.

31 ~~SEC. 13. If the Commission on State Mandates determines~~  
32 ~~that this act contains costs mandated by the state, reimbursement~~  
33 ~~to local agencies and school districts for those costs shall be made~~  
34 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
35 ~~4 of Title 2 of the Government Code.~~